

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: North Park East Temporary Access LUL Application, Communication Tower Facility
Proposed Implementation
Date: Spring 2022
Proponent: Bozeman Trax Partners
Location: Section 36, Township 01 South, Range 05 East (Tract 4-east of Mandeville Creek)
County: Gallatin County
Trust: Common Schools

I. TYPE AND PURPOSE OF ACTION

Bozeman Trax Partners is applying for a Land Use License (LUL) to provide temporary access on an existing gravel road to a cell tower on their deeded land. The width of existing road is ~30 feet and the length is ~500 feet. The total acres involved is less than 1 acre. The project area is within the municipal boundaries of the City of Bozeman, MT.

Appendixes:

Appendix A-Vicinity Map
Appendix B-Topographical Location Map
Appendix C-Aerial Photo of the proposed project area on Trust Land
Appendix C-Survey Exhibit 1 (Allied Engineering Services-ROW Application)

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The DNRC did not perform any formal public scoping for this project due to the temporary nature and minimal impact of the project.

Agencies, Groups or Individuals Scoped:	Response:
DNRC, Landowner	Neutral
Bozeman Trax Partners	Proponent is in favor of the project.
There is no ag/grazing surface lessee	n/a

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

City of Bozeman, Gallatin County

3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Deny the proposal to issue an LUL for temporary access.

Alternative B (Proposed action) – Approve the proposal to issue an LUL for temporary access.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The USDA soil survey for Gallatin County indicates the soils in this project area are classified Blackdog Silt Loam and Blackdog-Quagle Silt Loams.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No direct impacts to geology and soils will occur.

Alternative B (Proposed Action) – The proposed alternative would not create short-duration impacts to the geology and soil quality associated with the use of this existing road. No direct, indirect, or cumulative effects to geological features, soils or minerals would occur as a result of the project.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

Mandeville Creek crosses this State Parcel approximately 1,828 (0.3 miles) feet to the west of the project area within a 25-acre strip of uncultivated land. Mandeville Creek is classified as impaired, due predominantly to storm water runoff upstream from the city of Bozeman and MSU.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No impacts to water quality, quantity and distribution will result.

Alternative B (Proposed Action) – The proposed alternative to use the existing road for access would not create short-duration impacts to important surface or groundwater resources within the project area. No direct, indirect, or cumulative effects to water quality, quantity and distribution would occur as a result of the project.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

The parcel is located just south of I-90 and within the municipal boundary of the City of Bozeman. Residential, commercial activities, interstate travel, agricultural and grazing management and other uses occur adjacent to this parcel. The parcel was previously farmed but is being commercially developed currently.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No impacts to air quality will result.

Alternative B (Proposed Action) – The proposed alternative would create temporary impacts to the air quality associated with the temporary use of the existing road. No direct, indirect, or cumulative effects to air quality.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

This general area consists of urban and suburban residential commercial and agricultural activities. This particular state parcel was previously under agricultural production for small grain; however, the parcel is currently in fallow and being developed for commercial purposes. Some noxious weeds may exist, but are managed by the commercial lessee. There are no rare plants on the site.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No impacts to vegetation cover, quantity and quality will result.

Alternative B (Proposed Action) – Implementation of this alternative would not create short-term, localized impacts to vegetative cover. No direct, indirect, or cumulative impacts to cover will occur during the temporary use of the existing road on state managed lands.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

The project area includes limited, variable quantities and qualities of terrestrial and avian habitat due to the proximity of roads, highways, residential subdivisions, and commercial businesses. The project area's current agricultural use of the land provides seasonal habitat for fauna such as insects, small animals (which are prey for raptors, fox, and coyote), deer, geese and field birds.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No impacts to terrestrial, avian and aquatic life and habitat will result.

Alternative B (Proposed Action) – Implementation of this alternative would create short-term, localized impacts to terrestrial and avian habitat. No direct, indirect, or cumulative impacts to life and habitat will occur.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

An active bald eagle nest was present in the southwest ¼ of the parcel from May 2015 through December 2020. DNRC removed the nest on December 29, 2020 in consultation with the U.S. Fish and Wildlife Service under an incidental take permit following the sudden death of both adult eagles, which remains under investigation. Periodic monitoring of the site by DNRC through June 2022 is a requirement of the permit. As of this writing, an active bald eagle nest is not present on this parcel. Should any future nesting activity by bald eagles occur, DNRC would consult with the U.S. Fish and Wildlife Service to appropriately address any additional concerns regarding incidental take.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No direct impacts to unique, endangered, fragile or limited resources will occur.

Alternative B (Proposed Action) – Due to the proximity of the City of Bozeman and the associated residential and commercial activities surrounding this parcel, it is not suited to be considered critical habitat. No additional direct, indirect or cumulative effects to bald eagles or other federally listed species or unique resources would occur as a result of the use of this existing road.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

On February 6, 2005 Patrick Rennie, DNRC Staff Archeologist conducted an inventory of cultural and paleontologic resources in response to a proposed cell tower development in Gallatin County, Montana. Mr. Rennie was consulted again on December 15, 2021 to review the reclassification from agricultural production to commercial. No cultural or paleontologic resources were identified.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No direct impacts to historical and archaeological sites or resources will occur.

Alternative B (Proposed Action) – No direct, indirect, or cumulative impacts to historical and archaeological sites will occur during the temporary use of the existing road on state managed lands.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The project area and the surrounding lands are relatively flat and are currently being developed for commercial purposes. This parcel has been zoned by the City of Bozeman as M1 (light industrial) and M2 (Heavy Industrial) resulting in a future aesthetic change. The parcel is a part of the City's Entryway Corridor Zoning Overlay. All future development that takes place on the site will have to meet the design requirements of the code.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No direct impacts to aesthetics will occur.

Alternative B (Proposed Action) – No additional direct, indirect or cumulative effects to aesthetics would occur as a result of the additional temporary use of this existing road.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

The area does not contain limited resources. Nearby activities consist mostly of residential, commercial, interstate travel, farming and ranching operations.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No direct impacts to demands on environmental resources will occur.

Alternative B (Proposed Action) – Implementing the Proposed Alternative is not expected to result in additional direct, indirect or cumulative effects to environmental resources as a result of the additional temporary use of this existing road.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

The DNRC is not aware of other projects or plans being considered in the project area that would be negatively impacted by this project. Any permits required by other local, state and federal agencies or departments for the proposed project must be obtained by the proponent.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The proposed project would create human health and/or safety risks associated with the project's temporary use of the existing road. Issues associated with traffic are anticipated and are the proponents' responsibility to mitigate and resolve.

Alternative A (No Action) – No work will occur. Existing conditions will persist. No direct impacts to Human Health and Safety will occur.

Alternative B (Proposed Action) – Bozeman Trax Partners, LLC, its employees, lessees and contractors are responsible to identify and mitigate the risks associated with the action alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Nearby activities consist mostly of residential, commercial, interstate travel, farming and ranching operations. The site is currently undergoing commercial development.

Alternative A (No Action) – No impacts to industrial, commercial and agricultural activities/production will occur.

Alternative B (Proposed Action) – No additional direct, indirect, or cumulative impacts to industrial, commercial and agricultural activities/production are anticipated to occur as a result of the proposed activities.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The proposed activity is temporary use of an existing road to service and maintain a cell tower on the proponents deeded land.

Alternative A (No Action) – No impacts to quantity and distribution of employment will occur.

Alternative B (Proposed Action) – No additional direct, indirect or cumulative effects to employment quantity and distribution would occur as a result of the additional temporary use of this existing road.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

The land is exempt from property taxation and would continue to generate no revenue for local taxing jurisdictions.

Alternative A (No Action) – No impacts to the state tax base and/or tax revenues will occur.

Alternative B (Proposed Action) – The project will not have any measurable effects to local or state tax revenues.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

The parcel currently has a very low demand for government services. The area roads are public as city streets, county roads, state highways or federal interstate. The proponent is responsible to communicate impacts to Gallatin County and other pertinent agencies in regard to the use of roads accessing the project. Increases in traffic including associated attributes and hazards resulting from the work associated with this project will be short-lived.

Alternative A (No Action) – No impacts to traffic, road uses, or government services will occur.

Alternative B (Proposed Action) – No additional direct, indirect or cumulative effects to government services would occur as a result of the additional temporary use of this existing road.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

The parcel is within the Bozeman city limits. DNRC is not aware of other plans or projects in the area that would be impacted by this use.

Alternative A (No Action) – No impacts to local environmental plans and goals will occur.

Alternative B (Proposed Action) – No impacts to local environmental plans and goals are anticipated occur.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The state parcel, adjacent to residential & commercial development, offers minimal recreational opportunities. Since the parcel is being commercial developed and is under lease with DNRC, the project area is categorically closed to recreation by the public.

Alternative A (No Action) – No impacts to the quality of recreational and wilderness activities will occur.

Alternative B (Proposed Action) – No impacts to the quality of recreational and wilderness activities are anticipated to occur.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing

Alternative A (No Action) – No impacts to the density and/or distribution of population and housing will occur.

Alternative B (Proposed Action) – The proposal does not include any changes to housing or developments. No direct or cumulative effects to population or housing are anticipated.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity. The parcel is in an urbanized area of the City of Bozeman.

Alternative A (No Action) – No impacts to social structures, native/traditional lifestyles, or communities will occur.

Alternative B (Proposed Action) – No impacts to the area’s social structures, native/traditional lifestyles, or communities are anticipated to occur

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

Alternative A (No Action) – No impacts to cultural uniqueness and diversity will occur.

Alternative B (Proposed Action) – No impacts to the area’s cultural uniqueness and/or diversity are anticipated to occur.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The purpose of the project is to provide temporary access and use of an existing road to service and maintain a cell tower on the proponents deeded land. According to the fee schedule for temporary road use on an existing road, the fee is “\$200 for the first mile or any portion thereof and \$100 per additional ½ mile or any portion thereof.” This is an appropriate value for the temporary use of the short road segment across state trust land.

EA Checklist Prepared By:	Name: Andy Burgoyne	Date: May 11, 2022
	Title: Trust Land Program Manager, CLO	

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative B (Proposed action) – Approve the proposal to issue an LUL for temporary access.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

As proposed, no direct, indirect or cumulative effects are anticipated from the implementation of the selected alternative, the use of an existing road located on state land (ingress and egress) to access a cell tower located on adjacent private land.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

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No Further Analysis

**EA Checklist
Approved By:**

Name:

Erik Eneboe

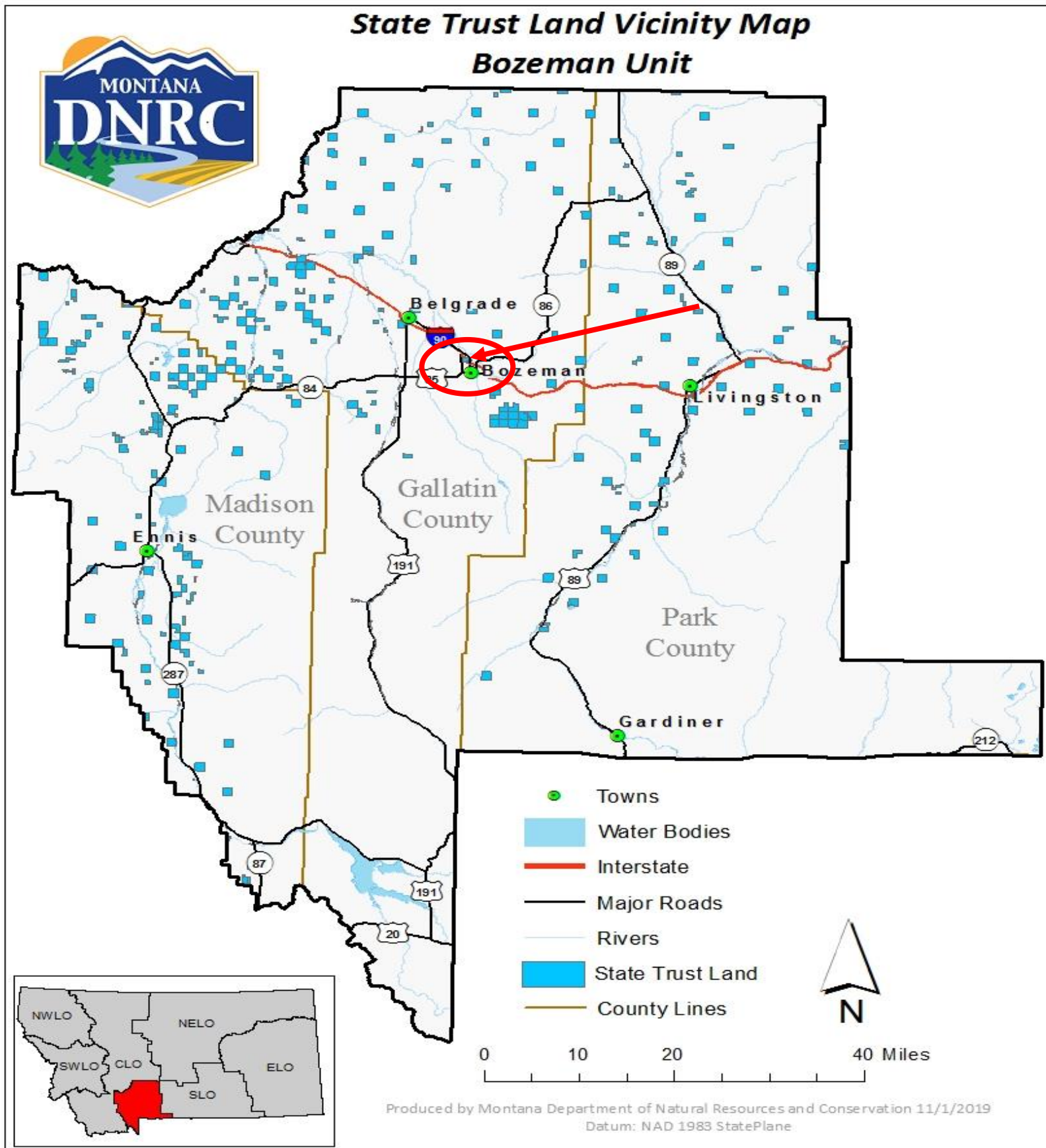
Title:

Unit Manager

Signature:



Date: May 13, 2022



Appendix B, Topographical Map

